United Nations CEDAW/C/CRI/Q/7

Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
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Item 4 of the provisional agenda
Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

List of issues and questions in relation to the seventh periodic report of Costa Rica

Legislative framework equality and non-discrimination

1. Please provide information as to whether the Constitution and national legislation contain a definition of discrimination against women, in line with article 1 of the Convention, which encompasses direct and indirect discrimination. In accordance with the State party's obligations under articles 1 and 2 of the Convention and in line with target 5.1 of the Sustainable Development Goals, to end all forms of discrimination against all women and girls everywhere, please provide updated information about the current status of the legal initiatives listed in paragraph 26 of the State party's report (CEDAW/C/CRI/7).[1] Please explain the measures taken to integrate intersecting discrimination faced by women into the legal and policy framework.

Visibility of the Convention

2. Please inform the Committee of the number of women and men civil servants who have taken part in capacity-building activities at all levels of public administration and the judiciary (para. 16). Please provide information about the measures to inform women about their rights under the Convention, including their rights during pregnancy and childbirth. Please also report on decisions in which judges have invoked the provisions of the Convention in order to decide on cases

Note: The present document is being circulated in English, French and Spanish only.

[1] Unless otherwise indicated, paragraph numbers refer to the combined seventh periodic report of the State party.

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brought to their attention in all areas of law, including family law, criminal law, civil law and labour law.

Access to justice and legal complaint mechanisms

3. Please provide information on the mechanisms and procedures, including complaint mechanisms, available to women in cases of gender-based discrimination in the public or private sphere. Please report on the resources available at the national human rights institute to deal with cases of gender-based discrimination. What procedures should women invoke to claim protection of their rights under the Convention? Please report on the accessibility, availability and quality of legal aid and counselling for women in all areas of law. Please inform the Committee how capacity-building has improved women's access to justice, tackled barriers and combated the stereotypes facing women seeking justice and reparations. Information is also requested about access to justice for indigenous women, women of African descent, women with disabilities, and asylum-seeking and refugee women.

National machinery for the advancement of women

4. Please provide information on the current institutional status, mandate and human and financial resources of the National Institute for Women. Please report on the current existing mechanisms of coordination between the National Institute and government ministries in order to comply with legislation and public policies on gender equality. Please provide information about the systems in place to monitor legislation and public policies on gender equality and about the outcomes of the National Policy on Gender Equality and Equity, in particular its second and third plans of action. Please also provide information on how the National Institute, the local gender equality units and the National Gender Unit Network collaborate with civil society organizations, in particular women's organizations, and on the status of the financial, human and technical resources for the municipal offices for women's affairs.

Stereotypes and harmful practices

5. Please provide information about the current status of the draft legislation to confront the gender stereotypes listed in paragraph 71 of the report, in particular the bill to eradicate child marriage and the bill for recognizing de facto unions between same-sex couples. Please also indicate whether discrimination on the basis of sex and gender has been included as a form of discrimination in the bill intended to recognize discrimination as a criminal offence (bill No. 19.062). Please inform the Committee about the strategies set up to implement Act No. 9220 of 2014, which recognizes child care as a social responsibility and on awareness-raising campaigns to raise the awareness of both women and men about how to overcome the attribution of traditional gender roles. Please report on the measures taken to mainstream a gender perspective in educational curricula, both in formal and non-formal education. Please provide additional information about the time frame and population targeted through the educational campaigns, as mentioned by the State party, in traditional and non-traditional mass media against detrimental stereotypes (paras. 74 and 76).

Gender-based violence against women

6. Please indicate whether the State party's legislation on violence against women explicitly criminalizes all acts of domestic violence, including marital rape. Please provide information about prosecutions and convictions in cases of criminal ill-treatment and emotional violence against women (para. 24). Please provide information about measures to prevent all forms of gender-based violence against women. Please also report on the functioning of the National System for the Prevention of Violence against Women (Act No. 8688) and how civil society organizations take part in the System's coordination mechanisms. The steps towards improving the Unified System of Statistics on Gender Violence in Costa Rica are described in paragraph 45 of the report. Please provide additional disaggregated information on the prevalence of all forms of gender-based violence against women, including allegations of violence inflicted by public officials. Information should also be given on the number of investigations, prosecutions, convictions and sentences imposed on perpetrators, and the relationship between the victim and the perpetrator.

7. Alternative sources indicate that harassment against women in public areas leads to increased security risks and psychological harm. Please provide information, disaggregated by sex and age, on cases of harassment in public areas, and report on measures taken to tackle this problem and to enforce legislation aimed at prosecuting and sanctioning perpetrators. Please report on measures to prevent and sanction perpetrators of obstetric violence against women and on the measures put in place to monitor medical practices in health-care centres and hospitals nationwide. Please provide information about protection measures available to women in cases of domestic violence and any assessments of their outcomes for ensuring the safety and integrity of women. Please indicate the number of shelters available to women facing violence, their geographical distribution and their resources, as well as the psychological redress and legal aid available to women. The State party reports the creation of local committees to provide immediate care in cases of high risk of gender-based violence and temporary care and shelter centres for women (paras. 42 and 43). Please provide updated information about activities carried out by these two mechanisms, disaggregated by geographical areas, age of women, refugee status and disability. Please indicate how women with disabilities access these shelters and the type of assistance available to them. Please report on the type of judicial remedy available to women in cases of gender-based violence, in addition to the legal aid and the counselling mechanisms available to them.

Trafficking and exploitation of prostitution

8. The State party reports the establishment of an immediate response team that responds to alerts of cases of trafficking and to register victims (para. 78). Please inform the Committee about measures taken to improve the identification and registration of women victims. Please provide updated information about the status of the National Fund to Combat Trafficking in Persons and Illegal Smuggling of Migrants. Please provide sex-disaggregated data on trafficking, including the number of victims, cases investigated, cases prosecuted and convictions and the punishment of perpetrators. Please indicate how the State party provides assistance

to victims, including shelters, psychosocial redress, rehabilitation services and economic compensation.

9. Please report on the measures taken to improve the economic empowerment of women and to prevent prostitution from being the main income-generating activity for financially vulnerable women. Please also report on exit programmes for women who wish to leave prostitution and on measures to prevent girls from entering into prostitution.

Participation in political and public life

10. Please provide information about strategies to increase the participation of women in the Legislative Assembly and to strengthen the role and recognition of women parliamentarians. Please also indicate the measures taken or envisaged to ensure that political parties include women at the top of the list of candidates for elections at all levels (national, regional and local) and that the participation of women is improved at the municipal level for elected and appointed positions. Please also inform the Committee about the representation of women in appointed offices, the judiciary and in the foreign service, including data on the percentage of women ambassadors. Please provide information on indigenous women and women of African descent who occupy elected positions at the government and local authority levels. The Committee also wishes to receive information about the current status of bill No. 18.719 against political harassment and political violence against women who take part in political activities and in social organizations. Please also report on the measures taken to ensure that women can occupy leadership positions in cooperatives and on the status of bill No. 18.199, which includes measures pertaining to gender equality in the cooperative movement.

Education

11. Please provide updated information about the design of a plan of action to implement gender equality policies (para. 93). Please provide data, disaggregated by sex and age, about enrolment and dropout rates among indigenous women, women of African descent, migrant women, and asylum-seeking and refugee women. Please provide information about measures taken to tackle the dropout rate of girls from secondary school, in particular to ensure that pregnant adolescents and adolescents who assume care responsibilities remain in school. Please provide information on measures taken to prevent harassment and violence against girls in school settings.

Employment

12. According to official reports, the labour participation rate of women is 45 per cent and the unemployment rate among women is 12 per cent. Please provide information on the strategies to increase women's access to the labour market, especially in the formal sector. Public reports indicate that women occupying positions as directors and managers earn an average of 27 per cent less than men. Please report on the measures to close the gender wage gap in both the private and public sectors of the economy. Please inform the Committee about measures to reconcile women's care responsibilities and work and to promote equal shared parental responsibilities in family care so as to facilitate equal access to employment. Please provide information, disaggregated by age, about beneficiaries

of maternity leave. How do women in the informal sector of the economy access maternity leave allowances? Please report on the recognition of paternity leave in the State party's legislation and on paternity leave request rates. Please report on measures to improve women's access to the National Child Care and Child Development Network, to ensure the availability of childcare services in rural areas, to enhance the quality of childcare services and to ensure daytime and night-time services. Please provide information about measures to monitor the working conditions of women domestic workers and remedies available to them in case of violation of their rights. The Committee wishes to receive information about redress mechanisms available to women under the Act on Sexual Harassment at Work and in Teaching (Act No. 7476). Please report about measures to ensure that women, including those in the informal sector, have access to social security insurance and allowances on an equal basis with men, and on measures to promote women's access to insurance as a direct insured party.

Health

13. Please provide updated information about:

(a) The status of the draft legislation and public policies aimed at recognizing sexual and reproductive health and rights for women, including bill No. 16.887, which amends the General Health Act and the draft plan of action of the National Policy on Sexuality (2010-2021);

(b) The draft protocol for integrated therapeutic abortion care in cases of danger to the life or health of the mother (para. 109), and measures to combat stigma against women seeking therapeutic abortion;

(c) Measures taken to address the impact of the criminalization of abortion on women of reproductive age, including its consequences on the maternal mortality rate;

(d) Measures to combat stereotypes against women that prevent the adoption of legislation on abortion in line with international standards and any consultation processes within civil society aimed at preparing and adopting legislation to decriminalize abortion in cases of rape, incest and severe fetal impairment;

(e) Modern and affordable contraception methods available to all women;

(f) The implementation of the executive decision concerning in vitro fertilization and measures to raise awareness among society about fertilization processes as a sexual and reproductive right of women and men;

(g) Measures to provide sexual and reproductive health services for women living in rural and remote areas and women with disabilities.

Economic empowerment of women

14. Please provide additional information about measures taken to enhance women's access to bank loans, credit and microcredit (paras. 116-118). Information should be provided about the use and results of women's access to loans, including the rate of successful monthly repayments and whether these loans facilitated women's business start-ups and increased economic autonomy. Are effective mentoring programmes in place for women who gain access to loans? Please also

report on measures to improve the living conditions of women head of households and inform the Committee as to how programmes to combat poverty, such as the programme Puente al Desarrollo, benefit women facing intersecting forms of discrimination. The State party mentions the integrated model for strengthening women's business activity and entrepreneurship in Costa Rica as a public policy programme and the Emprende project. Please provide further information on the participation of women facing intersecting forms of discrimination, on the Emprende project and on the outcomes of tackling poverty among women and improving their living conditions.

Rural women

15. Please inform the Committee about measures aimed at recognition of land ownership and titling of property for rural women, as well as provide data regarding women's ownership of property. Please report on measures to enhance the participation of women in decision-making processes in rural associations and agricultural businesses. Please report on measures to promote women entrepreneurship and capacity-building programmes for women.

Indigenous women and women of African descent

16. Please inform the Committee about specific policies and strategies to protect the rights of indigenous women and women of African descent and ensure their access to education, employment, social protection in both the formal and informal sectors, economic empowerment and health. Please indicate how indigenous women and women of African descent benefit from development programmes, and report on measures to ensure their right to free and informed consent regarding measures that have an impact on their lives.

Women with disabilities

17. Please inform the Committee how the State party's public policies include lines of action, goals, indicators and budgets to tackle discrimination against women with disabilities. Alternative sources indicate that the policy agenda for women with disabilities: breaking barriers, adopted on 7 April 2015, includes lines of action regarding access to the justice system, political participation, sexual and reproductive health and rights, and employment. Please indicate the public budget allocations to ensure the implementation of the agenda and the relevant monitoring mechanisms. In 2014, the Committee on the Rights of Persons with Disabilities expressed concern about the practice of forced sterilization in the State party (CRPD/C/CRI/CO/1, para. 37). Please report on measures taken to prevent the forced sterilization of women with disabilities and to ensure that these women have access to information about their sexual and reproductive rights in accessible formats and can express their free and informed consent before any sterilization procedure. Please also report on mechanisms in the State party to identify and prosecute cases of forced sterilization and ensure that women with disabilities have access to redress and reparations. Please report on the number of girls with disabilities in the mainstream education system.

Migrant, asylum-seeking and refugee women

18. Please provide data, disaggregated by age and geographical origin, about the situation of migrant, asylum-seeking and refugee women and their participation in the labour market and education, and health systems. Please provide information about legislation and public policies protecting migrant women in domestic work and about the implementation of circular No. 220-2014 of 23 September 2014 of the judiciary on access to labour law proceedings. Please provide information about the legal and policy framework to protect asylum-seeking and refugee women and any protocols to ensure gender-sensitive interviews and proceedings and about mechanisms to protect women and girls in transit against all forms of gender-based violence. Please provide information about the processes to ensure child registration at birth, in particular of indigenous children in border areas.

Women in detention

19. Please provide information about the human, financial and technical resources allocated to implement the electronic tag system (Act No. 9271 of 31 October 2014) and about the implementation of the national programme for women facing criminal sanctions. Please provide information about measures to eliminate ill-treatment against women in detention and to prohibit the use of invasive body searches and about the number of complaints and sanctions of perpetrators of violence against women in detention settings. Please report on access to health-care services by women in detention and on programmes to ensure that women in detention preserve their rights relating to family reunification and have access to legal aid and counselling.

Marriage and family relations

20. Please provide information about mechanisms in place to protect the economic rights of women upon the dissolution of marriage and de facto unions (CEDAW/C/GC/29). Please provide information about the required age to enter into marriage and measures to prevent child marriage.